THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22158 OF 1995

DATED: 17-10-2006

BETWEEN

M/s. Hyderabad Engineering Industries,
A Division of the Jay Engineering Works
Limited, Balanagar Township, Hyderabad
Rep. by its Assistant General Manager.

...PETITIONER

AND

The Hon'ble Additional Industrial Tribunal –
Cum – Additional Labour Court, 1st Floor,
Chandra Vihar, M.J. Road, Hyderabad rep.
By its Chairman and Presiding Officer and
others.

...RESPONDENTS

ORDER:

The short questions that arises for consideration in this writ petition is as to whether the second respondent was terminated from service on 11.09.1993; whether the retrenchment of his services is legal and valid and whether the second respondent is entitled to wages from the date of retrenchment till the date of filing of the rejoinder i.e. 14.06.1994 by the petitioner herein in I.D.No.7 of 1994 stating that the second respondent himself has not joined the duty.

The Industrial- cum-Additional Labour Court considered the said contentions and the contention of the petitioner herein and held that the petitioner-management retrenched the second respondent without following the due procedure under Section 25-N of the Industrial Disputes Act though

the petitioner is engaging more than 100 employees. The petitioner-management filed a rejoinder stating that it did not terminate the second respondent but he himself abstained from duty and the second respondent admittedly did not report to duty after 14.06.1994 i.e. after filing the rejoinder. The Labour Court passed an award dated 26.04.1995 entitling the second respondent to back wages for the period from 12.09.1993 to 144.09.1994 during which period the factory worked.

In fact, pursuant to the interim direction of this Court a sum of Rs.3,000/- towards wages was deposited by the petitioner herein and the second respondent has already withdrawn the same. In view of the aforesaid facts and circumstances of the case, I do not see any illegality or infirmity in the order impugned.

The writ petition is devoid of merits and it is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

October 17, 2006
DSK